

1 Dale L. Smith
2 OSB# 79398
3 61149 S Hwy 97
4 PMB #306
5 Bend OR 97702
6 541-382-3402

7 UNITED STATES BANKRUPTCY COURT

8 DISTRICT OF OREGON

9 In Re:)
10)
11 Mark A Mann,)
12) Case No. 11-66256-tmr7
13 Debtor.)
14)
15)
16) Adversarial No.
17 Mark A Mann,)
18)
19 Plaintiff,) COMPLAINT TO DETERMINE DISCHARGE
20) AND STATUS AS VOID OF JUDGMENTS OF
21 vs.) MIDLAND FUNDING LLC
22)
23 Midland Funding, LLC)
24)
25 Defendant.)

26 1.

27 This adversarial proceeding is brought in connection with plaintiff's Chapter 7 case, Case
28 No. 11-66256-tmr7. The Court has jurisdiction over this adversary proceeding pursuant to 28
29 U.S.C., Section 157, 1334 and 11 U.S.C., Section 522(h). Defendant Midland Funding, LLC
30 was a creditor of plaintiff's.

31 2.

32 Plaintiff's petition for bankruptcy relief was filed on January 3, 2012.

1 3.

2 At the time of the filing of plaintiff's petition, Midland Funding, LLC had judgments
3 against plaintiff as follows:

4 1 - Judgment dated January 21, 2011 in case # 10CV0801 in Curry County, Oregon in the
5 amount of \$1791.60.

6 2 - Judgment dated May 5, 2011 in case # 11CV0100 in Curry County, Oregon in the
7 amount of \$3512.81.

8 4.

9 Debtor received a discharge in his bankruptcy filing on March 28, 2012. The debts set
10 forth in paragraph 3 herein were discharged.

11 5.

12 Section 524 of the Bankruptcy Code "voids any judgment at any time obtained, to the
13 extent that such judgment is a determination of the personal liability of the debtor with respect to
14 any debt discharged under Section 727, 944, 1141, 1228 or 1328 of this title. . ."

15 6.

16 Pursuant to 11 USC Section 524(a)(1), the debts described in paragraph 3 herein are void
17 and are not allowed to be shown as liens on any real property purchased by plaintiff after March
18 28, 2012.

Wherefore, plaintiff requests an Order as follows:

(1) Declaring the debts of Midland Funding LLC described herein as discharged.

(2) Declaring the debts of Midland Funding LLC described herein as void.

/s/ Dale L. Smith
Dale L. Smith
Attorney for Mark A Mann